

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 05, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RANDALL S. AMES,

Plaintiff,

v.

NO. 2:22-CV-0290-TOR

ORDER OF DISMISSAL

JUDGE LECH J. RADZIMSKI,
individually and in his official capacity;
WESLEY BRUCE AMES, individually
and in his marital community (if
applicable); STANLEY ROY AMES,
individually and in his marital community
and in his official capacity as agent for
Ames Development Corp.; MERITA
LYNN DYSART, individually and in her
marital community; DELTON J.
DYSART, individually and in his marital
community; JUDGE GINA TVEIT,
individually and in her official capacity;
JUDGE/COMMISSIONER ALLEN C.
NEILSON, individually and in his official
capacity; JUDGE TIMOTHY B.
FENNESSY, individually and in his
official capacity; JUDGE TONY HAZEL,
individually and in his official capacity;
JUDGE JOHN O. COONEY, individually
and in his official capacity; JUDGE
RAYMOND F. CLARY, individually and

1 in his official capacity; JUDGE ANNETTE
2 S. PLEASE, individually and in her official
3 capacity; SHERIFF DEPUTY GREGORY
4 GOWEN, individually and in his official
5 capacity; DENNIS PARENT, individually
6 and in his marital community; SHERIFF
7 DEPUTY E. MIDDLESWORTH,
8 individually and in his official capacity;
9 COURT ADMINISTRATOR EVELYN
10 BELL, individually and in her official
11 capacity; PAMELA RAY, individually and
12 in her official capacity; PATRICIA
13 CLARK, individually and in her official
14 capacity; DELINA DYSART, individually
15 and in her official capacity; SHERIFF
16 DEPUTY ERIC PETERSON, individually
17 and in his official capacity; JOHN
18 HASKELL, Spokane County District
19 Attorney, individually and in his official
20 capacity; ARLENE HANSEN, individually
and in her marital community; LOWETA
MEDFORD, individually and in her
marital community; MICHELLE
GAGNON-ENRIGHT, Stevens County
Washington Court Clerk, individually and
in her official capacity; and TIM
RASMUSSEN, Stevens County
Washington Prosecuting Attorney,
individually and in his official capacity;
Defendants.

BEFORE THE COURT is Plaintiff's Complaint (ECF No. 1) which was
filed on November 23, 2022 and which appears not to have been properly served
on any of the Defendants. This case has now languished for 163 days.

DISCUSSION

Federal Rule of Civil Procedure 4(m) requires the Plaintiff to serve the Summons and Complaint on each Defendant within 90 days after the complaint is filed or suffer dismissal. Specifically, Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m); *see also Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007). Rule 4(m) requires the court to extend the time for service if a plaintiff shows good cause for the failure to timely serve the complaint. *Id.* Plaintiff has shown no cause whatsoever to extend the time for service.

On April 20, 2023, this Court entered an Order Requiring Plaintiff to Provide Proof of Service. ECF No. 6. Plaintiff was given 14-days to comply.

Plaintiff has not complied with the Court's Order. Plaintiff was warned that the case would be dismissed for failure to timely serve and prosecute the case absent compliance with the Court's Order.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 All claims and causes of action in this matter are **DISMISSED** without
3 prejudice.

4 The District Court Executive is hereby directed to enter this Order and
5 Judgment accordingly, furnish copies to Plaintiff at his last known address, and
6 **CLOSE** the file.

7 DATED May 5, 2023.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge